

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405 STATE CAPITOL BUILDING
January 27, 2003**

Members Present: Sen. D. Chris Buttars , Co-Chair
Rep. David L. Hogue, Co-Chair
Sen. Patrice Arent
Sen. Michael Waddoups
Rep. Ron Bigelow
Rep. Jim Dunnigan
Rep. Eric K. Hutchings
Rep. Brad Last
Rep. Dana C. Love
Rep. Scott Daniels
Rep. Brad King

Staff Present: William Greer, Fiscal Analyst
Gary Ricks, Fiscal Analyst
Greta Rodebush, Committee Secretary

Visitors List: List filed with Committee Minutes

Co-Chair Buttars called the meeting to order at 2:10 p.m. He stated that the subcommittee would be concentrating on bringing the FY 2003 budget into balance.

Fiscal Analyst, William Greer, handed out a copy of FY 2003 Reduction Recommendations for Corrections, Public Safety, and Courts.

MOTION: Rep. Hogue moved that the subcommittee recommend to Executive Appropriations that the Legislature not override the Governor's veto regarding the items for Corrections, Public Safety, and Courts. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, and Rep. Love absent for the vote.

Fiscal Analyst, William Greer, reviewed the copy of FY 2003 Reduction Recommendations for each of the agencies.

FY 2003 Budget Reductions-Corrections

The recommended FY 2003 Reductions for Corrections are as follows: A total General Fund ongoing reduction of \$7,626,000. There is a \$4,150,000 General Fund one-time add back as a part of the Governor's veto override. The Analyst recommends an additional one-time add back of \$1,400,000 from the Victim Reparations Fund to supplement funding for Transitional Services, the Diagnostic Center, and Lone Peak. This will delay closing the Lone Peak Facility from March 1 to July 1, 2003. An additional supplemental appropriation of \$922,300 was recommended for Adult Probation and Parole. Funding comes from shifting the payment

responsibility for the Promontory Facility from Corrections to the Division of Facility and Construction Management. The adjusted net FY 2003 Reduction is \$1,153,700.

Members of the subcommittee expressed concern that because the Victim's Reparations Fund was not tax based, and because monies came from surcharges, DUI fees, and restitution payments, it would not be appropriate to shift these monies to meet another program's needs.

Sen. Buttars stated that the current budget shortfall warranted moving these funds. This recommendation will provide an orderly closure of the Lone Peak Facility and lessen the negative impact.

Mr. Dan Davis, Director of the Crime Victim Reparations Fund, responded to the Analyst's recommendation to transfer \$1.4 million of the Victim's Reparations Fund. He requested that these funds not be used to balance the Corrections budget. He pointed out that the fund had been used conservatively in order to build up the fund for future needs.

MOTION: Rep. Daniels moved to approve the Analyst's recommendations for Corrections with the exception of the \$1.4 million for the Victim Reparations Fund.

SUBSTITUTE

MOTION: Rep. Hogue moved to approve the Analyst's recommendations for FY 2003 Reductions for Corrections. The motion passed with Sen. Arent, Rep. Daniels, and Rep. King voting in opposition. Rep. Bigelow was absent for the vote.

FY 2003 Budget Reductions-Public Safety

Fiscal Analyst, Greer, next addressed budget considerations for Public Safety. The Analyst recommends for the FY 2003 Reductions in Public Safety the following adjustments: A total General Fund ongoing reduction of \$1,883,400. There is a \$500,00 one-time add back that was a part of the Governor's veto. In addition, the Analyst recommended \$300,000 be taken from the GFR-Fire Academy Support Fund from the Fire Marshall's Office. This leaves a total net reduction for FY 2003 of \$1,083,400.

Robert Flowers, Commissioner of Public Safety, responded to these recommendations and indicated the impact it will have on personnel and programs.

MOTION: Rep. Daniels moved to approve the Analyst's recommendations for FY 2003 Reductions for Public Safety. The motion passed unanimously.

FY 2003 Budget Reductions-Courts

Fiscal Analyst, Greer, presented budget recommendations for Courts. The recommended FY 2003 reductions for **Courts** are as follows: A total General Fund ongoing reduction of \$3,848,200. There is a \$950,000 General Fund one-time add back. In addition, the Analyst recommended that the committee support legislation that would provide an alternative source of funding through a Court Security Fee increase. This is estimated to raise \$550,000 in FY 2003. Finally, the recommendation was made to use \$662,200 from the Court Complex Fund that would mitigate the loss in Court Contract/Leases. The adjusted net FY 2003 Reduction is \$1,726,000.

Discussion about increasing the Court Security fees ensued. Rather than a flat fee, it was suggested that there ought to be a sliding fee schedule. The Analyst was directed to look at adjusting the fee increase.

Fiscal Analyst, Gary Ricks, administered the oath to Conrad Lloyd.

Conrad Lloyd, concerned citizen, recommended a night court be established to improve the efficiency in our court system. He also wants divorce laws enforced which allow children to see both parents after divorce. He believes this would save the state money.

Mr. Dan Becker, Court Administrator responded to the subcommittees questions.

Co-Chair Buttars relinquished the chair to Co-Chair Hogue at 3:15 p.m.

Co-Chair Hogue returned the chair to Co-Chair Buttars at 3:19 p.m.

MOTION: Rep. Daniels moved to approve the Analyst's recommendations for FY 2003 Reductions for Courts. The motion passed unanimously.

MOTION: Sen. Waddoups moved that the FY 2004 base budget reflect the General Fund ongoing reductions proposed for FY 2003. The motion passed unanimously .

Co-Chair Buttars relinquished the chair to Co-Chair Hogue at 3:39 p.m.

MOTION: Rep. Hutchings moved that the subcommittee reserve taking action on FY 2004 agency budgets until final budget presentations.

SUBSTITUTE

MOTION: Sen. Waddoups moved that the subcommittee take tentative votes on the FY 2004 agency budgets presentations. The motion passed unanimously with Sen. Buttars absent for the vote.

FY 2004 Budget Hearing: Board of Pardons and Parole

Analyst Greer recommended an ongoing budget for the **Board of Pardons & Parole** of \$2,620,000 to include \$2,400,100 General Fund, \$158,700 from Nonlapsing Balances and \$77,400 from General Fund Restricted-Tobacco Settlement Funds. This FY2004 Base budget recommendation is a continuation of the FY 2003 Budget approved by the Executive Appropriations Committee.

Michael Sibbett, Chairman on the Board of Pardons, gave a presentation. He provided the handout: Utah Board of Pardons and Parole January 27, 2003 to the subcommittee. He also introduced Keith Hamilton, Board Member, and John Green, Administrative Coordinator.

The Board of Pardons and Parole continue to develop a pool of low- risk candidates that might qualify for early releases; however, the only way to increase that number would be to broaden the selection criteria to include offenders with more serious offense histories. He suggested that leaders in the criminal justice community review current laws to see if some could be repealed or amended to reflect the budgetary times we are in.

MOTION: Rep. Hutchings moved to tentatively approve the Analyst's recommendations for the FY 2004 Budget for the Board of Pardons and Parole. The motion passed unanimously with Sen. Buttars, Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

MOTION: Rep. Daniels moved to adjourn. The motion passed unanimously with Sen. Buttars, Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

Rep. Hogue adjourned the meeting at 4:12 p.m.

Senator D. Chris Buttars, Co- Chair

Representative David L. Hogue, Co-Chair